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KARNATAKA LEGISLATURE SECRETARIAT

NOTIFICATION

No. 2407/LA, Bangalore, dated 14th June 1978

This following Bill was introduced in Legislative Assembly on 14th June 1978.

THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT (AMENDMENT) BILL, 1978

(L. A. BILL No. 8 OF 1978)

A Bill further to amend the Karnataka Industrial Areas Development Act, 1966.

Whereas it is expedient further to amend the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966);

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Industrial Areas Development (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Insertion of new section 34 A.—After section 34 of the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966) the following section shall be inserted, namely,—

"**34A. Demolition or alteration of unauthorised construction or alteration.**—(1) If any person constructs or alters any building or commences or carries on such construction or alteration in contravention of the Act or rules made thereunder or of any regulation or condition subject to which permission has been given for such construction or alteration, the Executive Member may, whether or not the offender be prosecuted under this Act, by notice,—,

(a) require the offender to show sufficient cause by a written statement signed by him and sent to the Executive Member on or before such date as may be specified in the notice, why such construction or alteration should not be demolished or altered ; or

(b) require the offender to appear before the Executive Member either personally or by a duly authorised agent on such date and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Executive Member why the construction or alteration should not be so demolished or altered the Executive Member may pass an order directing such demolition or alteration by such period not exceeding two months as may be specified in the order.

(3) If the person against whom an order for demolition or alteration is made under sub-section (2) fails to comply with the said order, the Execution Member may cause such demolition or alteration to be made and may order that the expenses incurred therefor shall be recoverable from the person concerned as arrears of land revenue.

(4) No order to recover the expenses incurred for demolition or alteration as arrears of land revenue shall be passed under sub-section (3) unless the person concerned is required by notice to show cause why the expenses should not be so recovered and is given an opportunity of being heard.

(5) Any person aggrieved by an order under sub-section (2) may within thirty days of the said order appeal to the Board, which, after hearing the parties to the appeal may either allow or dismiss the appeal or vary any part of the said order.

(6) Any person aggrieved by the order passed in appeal under-sub-section (5), may institute a suit within three months of the said order, as regards the quantum of the amount ordered to be recovered as expenses. The time requisite for obtaining the copy of the order shall be excluded while computing the said period of three months.

(7) No Court shall entertain such suit unless the plaintiff has produced a receipt for having paid or deposited the entire amount to be recovered according to

the order passed under sub-section (5). Subject to the result of the suit the order passed under sub-section (3) or sub-section (5), as the case may be for recovery of expenses shall be final.

(8) A copy of the order under sub-section (3) or (5) or a copy of the Judgement or both, as the case may be, shall be forwarded to the Deputy Commissioner having jurisdiction, who shall thereupon proceed to recover the amount from the person concerned as if it were an arrears of land revenue.

STATEMENT OF OBJECTS AND REASONS

The Karnataka Industrial Areas Development Act, 1966 (Karnataka Act No. 18 of 1966), was enacted for the establishment of industrial areas in the State and generally to promote the establishment and orderly development of industries therein.

According to section 34 penal action could be taken against any person who constructs or alters or use any building in an industrial area or industrial estate contrary to the terms under which he holds such building or land. There is, however, no provision in the Act to demolish or alter the unauthorised structures. For the purpose of enforcing the buiding regulations made under the Act, it is considered necessary to empower the Board to demolish unauthorised constructions and to direct the holders to construct or alter buildings in accordance with the regulations and conditions laid down in this behalf and if they fail to do so to get it done at their cost.

Hence This Bill.

AZEEZ SAIT.
T. VENKATASWAMY.
Secretary

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